

Nos. 25-5097, 25-5098

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GLOBAL HEALTH COUNCIL, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

AIDS VACCINE ADVOCACY COALITION, et al,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF STATE, et al.,

Defendants-Appellants.

**MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE
IN SUPPORT OF PETITION FOR REHEARING EN BANC**

Alan B. Morrison moves this Court pursuant to Federal Rule of Appellate Procedure 29(b) to the file the lodged brief in support of the Petition for Rehearing En Banc filed by plaintiffs-appellees on August 15, 2025.

With the consent of the parties, amicus filed a brief in support of plaintiffs at the merits stage that focused on the Impoundment Control Act (ICA), which was not

the focus of the other amicus briefs. The arguments made in that brief were based on the extensive experience of amicus in litigating impoundment cases before and after the ICA and in the development of the law that became the ICA. The principal focus of the brief being lodged with this motion is to respond the portion of the opinion of the majority that concluded that the only way by which the courts can decide whether an Executive Branch impoundment is unlawful is through a lawsuit brought by the Comptroller General. As this brief argues, the notion that the ICA, which was enacted to limit the ability of the President to impound appropriated funds, eliminated the ability of affected private parties to bring their own litigation, has no basis in the ICA and is wholly inconsistent with the history of impoundment litigation and the ICA.

Counsel has reviewed the petition for rehearing en banc, as well as the motion for a stay filed by plaintiffs and the dissenting opinion for the panel, and states that the arguments made in the lodged brief supplement the arguments made by plaintiffs and the dissent and are not simply duplicative of them.

For the foregoing reasons, the motion to file the lodged brief amicus curiae of Alan B. Morrison should be granted.

Respectfully Submitted,

Alan B Morrison

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August 18, 2025